

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-259-W/S - ORDER NO. 96-629
SEPTEMBER 10, 1996

IN RE: Complaint/Petition for Rate Reduction) ORDER DENYING
and for Decertification filed by) MOTION TO WAIVE
Concerned Citizens Against Carolina) PREFILING OF
Water, Inc.) TESTIMONY AND
) MODIFYING
) PREFILING
) DEADLINES

This matter comes before the Public Service Commission of South Carolina ("the Commission") on a Motion to Waive Prefiling of Testimony filed by Concerned Citizens Against Carolina Water, Inc. ("CCACW") in the above referenced Docket.

As basis for its Motion to Waive Prefiling of Testimony ("Motion"), CCACW states that the evidence to be presented is potentially voluminous, involves extensive pre-hearing interviews, and involves varied witnesses with full time employment. Carolina Water Service, Inc. ("CWS") filed a response to CCACW's Motion, and by its response, CWS opposes the relief sought by CCACW. CWS states that the prefiling requirement eliminates unfair and prejudicial surprise in the hearing and identifies genuine issues of fact and law. Further, CWS asserts that prefiling of testimony reduces the time required to conduct the evidentiary hearing.

26 S.C. Code Ann. Reg. 103-869(C) states that "[i]n formal proceedings involving utilities, the Commission shall require any party and staff to file copies of testimony and exhibits and serve

them on all other parties of record within a specified time in advance of the hearing." Reg. 103-869(C) was mandated by the General Assembly by S.C. Code Ann §58-3-140(D) (Supp. 1995) which states that "the Commission is authorized to and shall promulgate regulations to require the direct testimony of witnesses appearing on behalf of utilities, and of witnesses appearing on behalf of persons having formal intervenor status, to be reduced to writing and prefiled with the Commission in advance of any hearing." Furthermore, 26 S.C. Code Ann. Reg 103-802 (1976), in setting forth the purpose of the Commission Rules and Regulations regarding Practice and Procedure before the Commission, provides that "[t]hese rules are intended to insure that all parties participating in proceedings before the Commission will be accorded procedural fairness ... (and) are further intended to promote efficiency in, and certainty of, the procedures and practices herein adopted."

Upon consideration of CCACW's Motion, the Commission concludes that CCACW's Motion should be denied. The clear intent of the General Assembly [as evidenced by S.C. Code Ann. §58-3-140(D)] and the Commission's Regulations require prefiling of testimony and exhibits. Furthermore, the Commission finds that prefiling of testimony in this proceeding is in the public interest as it will provide for notice of the issues, will accord fairness to all parties, and will allow for a more orderly and efficient hearing.

The original prefiling dates in this Docket were established by Commission Order No. 96-575 dated August 22, 1996. The

prefiling date by which CCACW was to prefile its testimony and exhibits was September 5, 1996. As CCACW did not prefile its testimony and exhibits by September 5, 1995, the Commission will modify the prefiling dates. The Commission therefore orders that CCACW shall prefile the testimony and exhibits of the witnesses it intends to call on direct examination on or before September 12, 1996. As the prefiling date has been extended for CCACW, the Commission will likewise extend the deadline of CWS and all other parties by one week. Therefore, the Commission orders that CWS and all other parties shall prefile the testimony and exhibits of their witnesses on or before September 26, 1996. These modifications to the prefiling dates shall not affect the scheduled date of the hearing; the hearing in this matter remains scheduled for October 3, 1996, at 10:30 a.m.

All parties are reminded that 26 S.C. Code Ann.Reg.103-869(C) (Supp. 1995) requires that parties must file twenty-five copies of testimony and exhibits with the Commission and further that all parties must also serve copies upon all other parties of record.

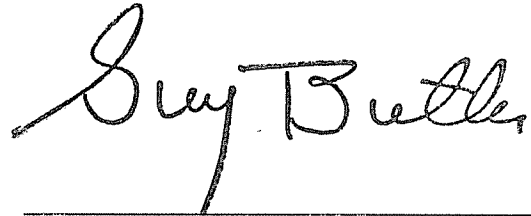
IT IS THEREFORE ORDERED THAT:

1. CCACW shall prefile the testimony and exhibits of the witnesses it intends to call on direct examination on or before September 12, 1996.
2. CWS and all other parties shall prefile the testimony and exhibits of their witnesses on or before September 26, 1996.
3. All parties are to file twenty-five copies of testimony and exhibits with the Commission.
4. All parties must serve copies of the prefiled testimony

and exhibits upon all other parties of record.


5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Deputy Executive Director

(SEAL)